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9 Attorneys for Defendants Intel Corporation
And Intel Corporation Health Plan

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

23 Defendants Intel Corporation, the Intel Corporation Health Plan (erroneously sued as
24 “Intel Corporation Anthem HDHP Plan”), and Blue Cross of California, (collectively
25 “Defendants”), hereby answer Plaintiffs Chris W. and Jennifer W.’s First Amended Complaint
26 for Breach of the Employee Retirement Income Security Act of 1974 (ERISA); Enforcement and
27 Clarification of Rights; Prejudgment and Postjudgment Interest; Breach of the Covenant of Good
28 Faith and Fair Dealing; Attorneys’ Fees and Costs; Jury Trial Demanded (hereinafter, the “First

1 Amended Complaint”), showing the Court as follows:

2 **PRELIMINARY ALLEGATIONS**

3 **JURISDICTION**

4 1. Paragraph 1 of the First Amended Complaint appears to be a jurisdictional
5 statement. Defendants admit only that Plaintiffs are bringing their case claiming benefits under
6 an employer-sponsored health benefit plan, but deny that Plaintiffs are entitled to the relief
7 sought under ERISA or any other statute or law. Any remaining allegations in Paragraph 1 of
8 the First Amended Complaint not specifically admitted herein are denied.

9 2. As to Paragraph 2 of the First Amended Complaint, Defendants admit only that
10 the Intel Corporation Health Plan (the “Intel Plan”) and its fiduciaries are governed by ERISA.
11 Defendants lack knowledge or information sufficient to form a belief about the truth as to the
12 remaining allegations in Paragraph 2 of the First Amended Complaint and leave Plaintiffs to
13 their proofs.

14 3. Paragraph 3 of the First Amended Complaint appears to be a jurisdictional
15 statement. Defendants admit only that Plaintiffs are bringing their case, and seek various forms
16 of relief, under ERISA, but deny that Plaintiffs are entitled to the relief sought under ERISA or
17 any other statute or law. Defendants do not contest subject matter jurisdiction in this case. Any
18 remaining allegations in Paragraph 3 of the First Amended Complaint not specifically admitted
19 herein are denied.

20 4. Paragraph 4 of the First Amended Complaint appears to be jurisdictional
21 statement. Defendants admit only that Plaintiffs are bringing their case, and seeks various forms
22 of relief, under ERISA, but deny that Plaintiffs are entitled to the relief sought under ERISA or
23 any other statute or law. Defendants do not contest subject matter jurisdiction in this case. Any
24 remaining allegations in Paragraph 4 of the First Amended Complaint not specifically admitted
25 herein are denied.

26 **PARTIES**

27 5. Defendants are without sufficient information to admit or deny Plaintiffs’
28 residency as articulated in Paragraph 5 of the First Amended Complaint and therefore deny

1 same.

2 6. Defendants lack knowledge or information sufficient to form a belief about the
3 truth as to the allegations in Paragraph 6 of the First Amended Complaint and leave Plaintiffs to
4 their proofs.

5 7. Defendants admit only that Plaintiff Jennifer W. is or was an employee of Intel
6 Corporation (“Intel”) at certain times relevant to the First Amended Complaint. Any allegation
7 in Paragraph 7 not admitted herein is hereby denied.

8 8. Defendants lack knowledge or information sufficient to form a belief about the
9 truth as to the allegations in Paragraph 8 of the First Amended Complaint and leave Plaintiffs to
10 their proofs.

11 9. Defendants lack knowledge or information sufficient to form a belief about the
12 truth as to the allegations in Paragraph 9 of the First Amended Complaint and leave Plaintiffs to
13 their proofs.

14 10. Defendants lack knowledge or information sufficient to form a belief about the
15 truth as to the allegations in Paragraph 10 of the First Amended Complaint and leave Plaintiffs to
16 their proofs.

17 11. Defendants lack knowledge or information sufficient to form a belief about the
18 truth as to the allegations in Paragraph 11 of the First Amended Complaint and leave Plaintiffs to
19 their proofs.

20 12. Defendants lack knowledge or information sufficient to form a belief about the
21 truth as to the allegations in Paragraph 12 of the First Amended Complaint and leave Plaintiffs to
22 their proofs.

23 13. Defendants lack knowledge or information sufficient to form a belief about the
24 truth as to the allegations in Paragraph 13 of the First Amended Complaint and leave Plaintiffs to
25 their proofs.

26 14. Defendants lack knowledge or information sufficient to form a belief about the
27 truth as to the allegations in Paragraph 14 of the First Amended Complaint and leave Plaintiffs to
28 their proofs.

1 15. Defendants lack knowledge or information sufficient to form a belief about the
2 truth as to the allegations in Paragraph 15 of the First Amended Complaint and leave Plaintiffs to
3 their proofs.

4 16. Defendants lack knowledge or information sufficient to form a belief about the
5 truth as to the allegations in Paragraph 16 of the First Amended Complaint and leave Plaintiffs to
6 their proofs.

7 17. Defendants lack knowledge or information sufficient to form a belief about the
8 truth as to the allegations in Paragraph 17 of the First Amended Complaint and leave Plaintiffs to
9 their proofs.

10 18. Defendants lack knowledge or information sufficient to form a belief about the
11 truth as to the allegations in Paragraph 18 of the First Amended Complaint and leave Plaintiffs to
12 their proofs.

13 19. Defendants lack knowledge or information sufficient to form a belief about the
14 truth as to the allegations in Paragraph 19 of the First Amended Complaint and leave Plaintiffs to
15 their proofs.

16 20. Defendants lack knowledge or information sufficient to form a belief about the
17 truth as to the allegations in Paragraph 20 of the First Amended Complaint and leave Plaintiffs to
18 their proofs.

19 21. Defendants lack knowledge or information sufficient to form a belief about the
20 truth as to the allegations in Paragraph 21 of the First Amended Complaint and leave Plaintiffs to
21 their proofs.

22 22. Defendants lack knowledge or information sufficient to form a belief about the
23 truth as to the allegations in Paragraph 22 of the First Amended Complaint and leave Plaintiffs to
24 their proofs.

25 23. Defendants admit only that Blue Cross of California dba Anthem Blue Cross
26 ('Anthem') is one of the claims administrators under the self-funded Intel Plan. Otherwise,
27 Defendants lack knowledge or information sufficient to form a belief about the truth as to the
28 remaining allegations in Paragraph 23 of the First Amended Complaint and leave Plaintiffs to

1 their proofs.

2 24. Defendants admit only that Plaintiff Jennifer W. is or was a participant of the Intel
3 Corporation Health Plan, an ERISA-governed employee welfare plan sponsored by Intel, at
4 certain times relevant to the First Amended Complaint. Any allegation in Paragraph 24 not
5 admitted herein is hereby denied.

6 25. Defendants admit only that Intel is the sponsor of the Intel Plan. By way of
7 further answer, Defendants state that the Benefits Administrative Committee is the “Plan
8 Administrator” for the Intel Plan. Any allegation in Paragraph 25 not admitted herein is hereby
9 denied.

10 26. Defendants admit the allegations in Paragraph 26 of the First Amended
11 Complaint.

12 27. Defendants lack knowledge or information sufficient to form a belief about the
13 truth as to the allegations in Paragraph 27 of the First Amended Complaint and leave Plaintiffs to
14 their proofs.

15 28. Defendants admit only that: (1) the Intel Plan is a self-funded health benefits plan
16 that covers medically necessary treatment for, *inter alia*, mental health conditions for its
17 participants and beneficiaries, according to the terms of the Plan; and (2) that Anthem, as one of
18 the Intel Plan’s third-party claims administrators, denied certain mental health claims submitted
19 by Plaintiffs as not “medically necessary.” Any remaining allegations in Paragraph 28 of the
20 First Amended Complaint not admitted herein are hereby denied.

21 FACTS

22 29. Paragraph 29 of the First Amended Complaint appears to summarize written
23 documents, the contents of which documents speak for themselves; to the extent such documents
24 differ from the allegations, the allegations are denied. Any remaining allegations in Paragraph
25 29 not specifically admitted herein are hereby denied.

26 30. Upon information and belief, Defendants admit only that the minor whose name
27 is initialized as P.K.W. in the First Amended Complaint is the minor daughter of Plaintiffs and,
28 at certain times, a beneficiary of the Intel Plan. Defendants lack knowledge or information

1 sufficient to form a belief about the truth as to the allegations about the “PEBB Plan.” Any
2 remaining allegations in Paragraph 30 not specifically admitted herein are hereby denied.

3 31. Defendants admit only that the Intel Plan exists and provides benefits according to
4 its terms. Defendants lack knowledge or information sufficient to form a belief about the truth as
5 to the allegations about the “PEBB Plan.” Any remaining allegations in Paragraph 31 not
6 specifically admitted herein are hereby denied.

7 32. Defendants lack knowledge or information sufficient to form a belief about the
8 truth as to the allegations in Paragraph 32 of the First Amended Complaint and leave Plaintiffs to
9 their proofs.

10 33. As to Paragraph 33 of the First Amended Complaint, upon information and belief,
11 Defendants admit only that the self-funded Intel Plan is “secondary” to any other health coverage
12 that may apply to P.K.W. during the relevant time period. Any remaining allegations in
13 Paragraph 33 not specifically admitted herein are hereby denied.

14 34. Defendants lack knowledge or information sufficient to form a belief about the
15 truth as to the allegations in Paragraph 34 of the First Amended Complaint and leave Plaintiffs to
16 their proofs.

17 35. Defendants deny the allegations in Paragraph 35 of the First Amended Complaint.

18 36. Defendants lack knowledge or information sufficient to form a belief about the
19 truth as to the allegations in Paragraph 36 of the First Amended Complaint and leave Plaintiffs to
20 their proofs.

21 37. Defendants lack knowledge or information sufficient to form a belief about the
22 truth as to the allegations in Paragraph 37 of the First Amended Complaint and leave Plaintiffs to
23 their proofs.

24 38. Defendants lack knowledge or information sufficient to form a belief about the
25 truth as to the allegations in Paragraph 38 of the First Amended Complaint and leave Plaintiffs to
26 their proofs.

27 39. Defendants deny the allegations in Paragraph 39 of the First Amended Complaint.

28 40. Defendants deny the allegations in Paragraph 40 of the First Amended Complaint.

1 41. Paragraph 41 of the First Amended Complaint appears to summarize written
2 documents, the contents of which documents speak for themselves; to the extent such documents
3 differ from the allegations, the allegations are denied. Any remaining allegations in Paragraph
4 41 not specifically admitted herein are hereby denied.

5 42. Defendants lack knowledge or information sufficient to form a belief about the
6 truth as to the allegations in Paragraph 42 of the First Amended Complaint related to written
7 documents (which documents speak for themselves), and leave Plaintiffs to their proofs. Any
8 remaining allegations in Paragraph 42 not specifically admitted herein are hereby denied.

9 43. Paragraph 43 of the First Amended Complaint appears to summarize written
10 documents, the contents of which documents speak for themselves; to the extent such documents
11 differ from the allegations, the allegations are denied. Any remaining allegations in Paragraph
12 43 not specifically admitted herein are hereby denied.

13 44. Paragraph 44 of the First Amended Complaint appears to contain a legal
14 conclusion, to which no response is required. To the extent a response is required, Defendants
15 deny the allegations as averred.

16 45. Defendants lack knowledge or information sufficient to form a belief about the
17 truth as to the allegations in Paragraph 45 of the First Amended Complaint and leave Plaintiffs to
18 their proofs.

19 46. Defendants lack knowledge or information sufficient to form a belief about the
20 truth as to the allegations in Paragraph 46 of the First Amended Complaint and leave Plaintiffs to
21 their proofs.

22 47. Defendants lack knowledge or information sufficient to form a belief about the
23 truth as to the allegations in Paragraph 47 of the First Amended Complaint and leave Plaintiffs to
24 their proofs.

25 48. Defendants lack knowledge or information sufficient to form a belief about the
26 truth as to the allegations in Paragraph 48 of the First Amended Complaint and leave Plaintiffs to
27 their proofs.

28 49. Defendants lack knowledge or information sufficient to form a belief about the

1 truth as to the allegations in Paragraph 49 of the First Amended Complaint and leave Plaintiffs to
2 their proofs.

3 50. Defendants lack knowledge or information sufficient to form a belief about the
4 truth as to the allegations in Paragraph 50 of the First Amended Complaint and leave Plaintiffs to
5 their proofs.

6 51. Defendants lack knowledge or information sufficient to form a belief about the
7 truth as to the allegations in Paragraph 51 of the First Amended Complaint and leave Plaintiffs to
8 their proofs.

9 52. Defendants lack knowledge or information sufficient to form a belief about the
10 truth as to the allegations in Paragraph 52 of the First Amended Complaint and leave Plaintiffs to
11 their proofs.

12 53. Defendants lack knowledge or information sufficient to form a belief about the
13 truth as to the allegations in Paragraph 53 of the First Amended Complaint and leave Plaintiffs to
14 their proofs.

15 54. Defendants lack knowledge or information sufficient to form a belief about the
16 truth as to the allegations in Paragraph 54 of the First Amended Complaint and leave Plaintiffs to
17 their proofs.

18 55. Defendants lack knowledge or information sufficient to form a belief about the
19 truth as to the allegations in Paragraph 55 of the First Amended Complaint and leave Plaintiffs to
20 their proofs.

21 56. Defendants lack knowledge or information sufficient to form a belief about the
22 truth as to the allegations in Paragraph 56 of the First Amended Complaint and leave Plaintiffs to
23 their proofs.

24 57. Defendants lack knowledge or information sufficient to form a belief about the
25 truth as to the allegations in Paragraph 57 of the First Amended Complaint and leave Plaintiffs to
26 their proofs.

27 58. Defendants lack knowledge or information sufficient to form a belief about the
28 truth as to the allegations in Paragraph 58 of the First Amended Complaint and leave Plaintiffs to

1 their proofs.

2 59. Defendants lack knowledge or information sufficient to form a belief about the
3 truth as to the allegations in Paragraph 59 of the First Amended Complaint and leave Plaintiffs to
4 their proofs.

5 60. Defendants lack knowledge or information sufficient to form a belief about the
6 truth as to the allegations in Paragraph 60 of the First Amended Complaint and leave Plaintiffs to
7 their proofs.

8 61. Defendants lack knowledge or information sufficient to form a belief about the
9 truth as to the allegations in Paragraph 61 of the First Amended Complaint and leave Plaintiffs to
10 their proofs.

11 62. Paragraph 62 of the First Amended Complaint appears to summarize written
12 documents, the contents of which documents speak for themselves; to the extent such documents
13 differ from the allegations, the allegations are denied. Any remaining allegations in Paragraph
14 62 not specifically admitted herein are hereby denied.

15 63. Paragraph 63 of the First Amended Complaint appears to summarize written
16 documents, the contents of which documents speak for themselves; to the extent such documents
17 differ from the allegations, the allegations are denied. Any remaining allegations in Paragraph
18 63 not specifically admitted herein are hereby denied.

19 64. Paragraph 64 of the First Amended Complaint appears to summarize written
20 documents, the contents of which documents speak for themselves; to the extent such documents
21 differ from the allegations, the allegations are denied. Any remaining allegations in Paragraph
22 64 not specifically admitted herein are hereby denied.

23 65. Paragraph 65 of the First Amended Complaint appears to summarize written
24 documents, the contents of which documents speak for themselves; to the extent such documents
25 differ from the allegations, the allegations are denied. Any remaining allegations in Paragraph
26 65 not specifically admitted herein are hereby denied.

27 66. Paragraph 66 of the First Amended Complaint appears to summarize written
28 documents, the contents of which documents speak for themselves; to the extent such documents

1 differ from the allegations, the allegations are denied. Any remaining allegations in Paragraph
2 66 not specifically admitted herein are hereby denied.

3 67. Defendants lack knowledge or information sufficient to form a belief about the
4 truth as to the allegations in Paragraph 67 of the First Amended Complaint and leave Plaintiffs to
5 their proofs.

6 68. Defendants lack knowledge or information sufficient to form a belief about the
7 truth as to the allegations in Paragraph 68 of the First Amended Complaint and leave Plaintiffs to
8 their proofs.

9 **CLAIMS FOR RELIEF**

10 **FIRST CAUSE OF ACTION**

11 **Recovery of Benefits Due Under an ERISA Benefit Plan Enforcement and Clarification of
12 Rights, Prejudgment and Post Judgment Interest, and Attorneys' Fees and Costs, Pursuant
13 to ERISA Section 502(a), 29 U.S.C. Section 1132(a)**

14 **(Against Intel Corporation, the Intel Corporation Anthem HDHP Plan, and Blue Cross of
15 California dba Anthem Blue Cross,**

17 69. Defendants incorporate all preceding paragraphs of this Answer as though fully
18 set forth herein.

19 70. Paragraph 70 of the First Amended Complaint appears to contain a legal
20 conclusion, to which no response is required. To the extent a response is required, Defendants
21 deny the allegations as averred.

22 71. Defendants deny the allegations in Paragraph 71 of the First Amended Complaint.

23 72. Defendants deny the allegations in Paragraph 72 of the First Amended Complaint.

24 73. Paragraph 73 of the First Amended Complaint appears to contain a legal
25 conclusion, to which no response is required. To the extent a response is required, Defendants
26 deny the allegations as averred.

27 74. Defendants deny the allegations in Paragraph 74, including its subsections a. – d.,
28 of the First Amended Complaint.

SECOND CAUSE OF ACTION

**(Breach of Contract and Breach of the Covenant of Good Faith and Fair Dealing
(Insurance Bad Faith) Against the PROVIDENCE entities, and DOES 1 through 10)**

75. Defendants incorporate all preceding paragraphs of this Answer as though fully set forth herein.

76. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 76 of the First Amended Complaint and leave Plaintiffs to their proofs.

77. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 77 of the First Amended Complaint and leave Plaintiffs to their proofs.

78. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 78 of the First Amended Complaint and leave Plaintiffs to their proofs.

79. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 79, including its subsections a. – m., of the First Amended Complaint, and leave Plaintiffs to their proofs.

80. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 80 of the First Amended Complaint and leave Plaintiffs to their proofs.

81. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 81 of the First Amended Complaint and leave Plaintiffs to their proofs.

82. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 82 of the First Amended Complaint and leave Plaintiffs to their proofs.

83. Defendants lack knowledge or information sufficient to form a belief about the

1 truth as to the allegations in Paragraph 83 of the First Amended Complaint and leave Plaintiffs to
2 their proofs.

3 84. Defendants lack knowledge or information sufficient to form a belief about the
4 truth as to the allegations in Paragraph 84 of the First Amended Complaint and leave Plaintiffs to
5 their proofs.

6 85. Defendants lack knowledge or information sufficient to form a belief about the
7 truth as to the allegations in Paragraph 85 of the First Amended Complaint and leave Plaintiffs to
8 their proofs.

9 86. Defendants lack knowledge or information sufficient to form a belief about the
10 truth as to the allegations in Paragraph 86 of the First Amended Complaint and leave Plaintiffs to
11 their proofs.

12 **PRAYER FOR RELIEF**

13 **AS TO INTEL CORPORATION, THE INTEL PLAN AND BLUE CROSS OF**
14 **CALIFORNIA dba ANTHEM BLUE CROSS**

16 87. Defendants deny that Plaintiffs are entitled to any of the relief requested in
17 Paragraph 87 of the First Amended Complaint, or any other relief.

18 88. Defendants deny that Plaintiffs are entitled to any of the relief requested in
19 Paragraph 88 of the First Amended Complaint, or any other relief.

20 89. Defendants deny that Plaintiffs are entitled to any of the relief requested in
21 Paragraph 89 of the First Amended Complaint, or any other relief.

22 90. Defendants deny that Plaintiffs are entitled to any of the relief requested in
23 Paragraph 90 of the First Amended Complaint, or any other relief.

24 91. Defendants deny that Plaintiffs are entitled to any of the relief requested in
25 Paragraph 91 of the First Amended Complaint, and the unnumbered sentence following
26 Paragraph 91 of the First Amended Complaint, or any other relief.

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28 ///

PRAYER FOR RELIEF
AS TO THE PROVIDENCE ENTITIES

92. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 92 of the First Amended Complaint and leave Plaintiffs to their proofs.

93. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 93 of the First Amended Complaint and leave Plaintiffs to their proofs.

94. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 94 of the First Amended Complaint and leave Plaintiffs to their proofs.

95. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 95 of the First Amended Complaint and leave Plaintiffs to their proofs.

96. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 96 of the First Amended Complaint and leave Plaintiffs to their proofs.

97. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 97 of the First Amended Complaint and leave Plaintiffs to their proofs.

98. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 98 of the First Amended Complaint and leave Plaintiffs to their proofs.

99. Defendants lack knowledge or information sufficient to form a belief about the truth as to the allegations in Paragraph 99 of the First Amended Complaint and leave Plaintiffs to their proofs.

100. Any allegation in the First Amended Complaint not specifically admitted above is

1 hereby denied.

2 **FIRST DEFENSE**

3 Plaintiffs' claims against Defendants, in whole or in part, fail to state a claim upon which
4 relief can be granted.

5 **SECOND DEFENSE**

6 Plaintiffs' claims against Defendants are barred as a result of their failure to satisfy the
7 Plan's terms.

8 **THIRD DEFENSE**

9 The third-party claims administrator of the Intel Plan has been granted discretionary
10 authority to interpret the Plan, make eligibility determinations under the Plan, and make any and
11 all factual determinations under the Plan. The claims administrator properly exercised its
12 discretion in considering Plaintiffs' claims. Its determination is entitled to deference and should
13 be upheld because it is not "arbitrary and capricious" or an "abuse of discretion."

14 **FOURTH DEFENSE**

15 Plaintiffs are limited to the evidence and arguments presented during the administrative
16 process with regard to the Intel Plan.

17 **FIFTH DEFENSE**

18 Plaintiffs have a duty to mitigate any damages and failure to do so limits or eliminates
19 any right to recovery.

20 **SIXTH DEFENSE**

21 If Plaintiffs are found to be entitled to payment of any benefits under the Intel Plan, those
22 benefits are subject to be offset by all other benefits (including, *e.g.* Medicare or other health
23 coverage) which Plaintiffs may be receiving or may be eligible to receive.

24 **SEVENTH DEFENSE**

25 This proceeding is an "action for review of an administrative record" under the meaning
26 of Fed. R. Civ. P. 26(a).

27 **EIGHTH DEFENSE**

28 Defendants reserve the right to assert additional defenses if additional facts are

1 discovered.

2 WHEREFORE, having fully answered the First Amended Complaint, Defendants request
3 that the Court dismiss the same and enter an order awarding Defendants their costs, attorneys'
4 fees pursuant to 29 U.S.C. § 1132(g), and such other relief as the Court deems proper.

5

6 Date: December 22, 2020

JACKSON LEWIS P.C.

7

8 By: Donald P. Sullivan
DONALD P. SULLIVAN

9

10 Date: December 22, 2020

PRIDGEN BASSETT LAW, LLC

11

12 By: Nancy B. Pridgen
NANCY B. PRIDGEN
(*Pro Hac Vice Pending*)

13 Attorneys for Defendants
14 INTEL CORPORATION and THE INTEL
CORPORATION HEALTH PLAN

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